APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,680	10/22/2001	Mark H. Lucovsky	3070	9548

7590   07/15/2005

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EXAMINER
NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/017,680	LUCOVSKY ET AL.
	Examiner	Art Unit
	Maikhanh Nguyen	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _25 April 2005_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

4a) Of the above claim(s) _21-23_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _22 October 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Amendment filed 04/25/2005 to the

original application filed 10/22/2004.

2.   Claims 1-20 are pending in this application. Claims 1-4 and 19 have been amended.

Claims 1 and 19 are independent claims.

Priority

3.   Examiner acknowledges the claims for domestic priority under 35 U.S. C. 119 (e) to

provisional application 60/275,809, which was filed 03/14/2001.

Specification

4.   The amendment filed 04/25/2005 is objected to under 35 U.S.C. 132(a) because it

introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment

shall introduce new matter into the disclosure of the invention. The added material which

is not supported by the original disclosure is as follows: The abstract as amended in the

current amendment.

It is the examiner's opinion that the amendment greatly expands the descriptions of a

"Service" etc. from its original defined definition. A description of this term can be found

in the original specification page 3, which defines "service" as the following *"a set of*

services for central (e.g., Internet) access to per-user data, based on each user's identity,

wherein each service includes a schema that defines rules and a structure for the data,

and also includes methods that provide access to the data in a defined way. Note that

while "user" is generally employed herein for simplicity, as used herein the term "user" is

really a substitute for any identity, which may be a user, a group, another entity, an

event, a project, and so on. Because the structure of the data is defined from the

perspective of the data, not from that of an application program or a device, programs

can communicate with the services to access the data, with existing knowledge of the

format. In one implementation, the schemas are arranged as XML documents, and the

services provide methods that control access to the data based on the requesting user's

identification, defined role and scope for that role. In this way, data can be accessed by

its owner, and shared to an extent determined by the owner. Extensibility is defined into

the schemas... core services are provided for managing access of various types of data,

each service corresponding to a defined schema for the type of data it manages. " (Italics

added). Applicant's amendment adds many more functions to the service not present in

the original specification, such as the following: (the following examples are not meant to

be comprehensive) "the services schemas are arranged as XML documents" (the current

abstract in lines 7-8).

Applicant is required to cancel the new matter in the reply to this Office Action.

Double Patenting

5.   The nonstatutory double patenting rejection is based on a judicially created doctrine

grounded in public policy (a policy reflected in the statute) so as to prevent the

unjustified or improper timewise extension of the "right to exclude" granted by a patent

and to prevent possible harassment by multiple assignees. See In re Goodman, 11 F.3d

1046, 29 USPQ2d 2010 (Fed. CIT. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645

(Fed. Cir. 1985); In re van Ornurn, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re

Uogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington,418 F.2d 528,

163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 C.F.R. ' 1.321(b) would

overcome an actual or provisional rejection on this ground provided the conflicting

application or patent is shown to be commonly owned with this application. See 37

C.F.R. ' 1.78(d).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal

disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR

3.73(b).

6.   Claims 1-20 are provisionally rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1-14 of copending

application **No. 10/187057**, and claims 1-27 of copending application **No. 10/208,975**.

Although the conflicting claims are not identical, they are not patentably distinct from

each other because claim 1 of the instant application, claim 1 of co-pending application

10/187057, and claim 1 of co-pending application 10/208,975 are all claiming: providing

a schema, the schema having service-related fields arranged into a content document with

defined structures for the fields; receiving a data access request, the request including

associated identity information; and in response to the data access request, manipulating

at least one set of data in a logical document that includes data therein according to the

associated identity information, each set of data in the logical document structured to

correspond to a field in the content document. The main difference between the instant

application, copending application No. 10/187057, and copending application No.

10/208,975 is the instant application claims **a service schema,** copending application No.

10/187057 claims **a categories schema,** and copending application No. 10/208,975

claims **a device schema.**

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting

claims have not in fact been patented.

Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b),by another filed in the United States
before the invention by the applicant for patent or (2)a patent granted on an application for patent by another filed in the United States
before the invention by the applicant for patent, except that an international application filed under the treaty defined in section
351(a)shall have the effects for the purposes of this subsection of an application filed in the United States only if the international
application designated the United States and was published under Article 21(2)of such treaty in the English language; or " (Emphasis
added.)

Claims 1-20 maintain rejected under 35 U.S.C. 102(e) as being anticipated by **Saulpaugh et al.** (U.S. 6,789,126 – filed 10/2000).

As to independent claim 19:

Saulpaugh teaches in a computer network *(Fig.2)*, a method comprising,

(i)   receiving a data access request *(e.g., the client receives results from the service; col.32, lines 35-67 & col.33, lines 15-67)*, the request including associated identity information *(e.g., a mechanism for clients to negotiate service access rights ...The result of the negotiation may an authorization such as an authentication credential the conveys to the client the right to use the requested subset of the service's capabilities; col.32, lines 40-67)*;

(ii)   accessing a data store to obtain data *(e.g., clients and services may find each other and broker content using a transient storage space; col.16, lines 19-25)* based on the associated identity information; constructing a document including at least part of the data, and including a defined services schema *(e.g., Services may place a content or service advertisement in a space. The advertisement may describe the content type or the capabilities of the service. Clients may subsequently browse spaces looking for advertisements that match a desired set of capabilities. When a client finds a matching advertisement, a communication channel may be established which may enable bi-directional message passing to the service backing the advertisement; col.16, lines 25-33)*; and

(iii)   returning the document in response to the request (*e.g., Results ... from service*

operations may be returned directly to the client in a response message; col.16,

lines 19-41 & XML document is required to be returned in the response message;

col.33, lines 56-67).

As to dependent claim 20:

Saulpaugh teaches the schema includes at least one defined field for extending the

schema *(e.g., extended schema; col.39, lines 32-57).*

<u>As to independent claim 1</u>:

Saulpaugh teaches in a computer network *(Fig.2)*, a method comprising,

(i)   providing a services schema *(e.g., the service's XML schema; col.15, lines 19-2 &*

col.29, lines 4-25) , the services schema having services-related fields arranged

into a content document with defined structures for the fields *(e.g., XML*

document which has fields are defined with tags and therefore has a defined

structure; col.26, lines 45-52 & col.35, lines 34-41);

(ii)   receiving a data access request directed to service information *(e.g., the client*

receives results from the service; col.32, lines 35-67 & col.33, lines 1-8), the

request including associated identity information *(e.g., a mechanism for clients to*

negotiate service access rights ... The result of the negotiation may an

authorization such as an authentication credential the conveys to the client the

right to use the requested subset of the service's capabilities; col.32, lines 40-67);

and

(iii)   in response to the data access request *(col.32, lines 25-67 & col.33, lines 15-67)*,

manipulating *(e.g., a client can manipulate the XML representation of an object;*

col.11, lines 45-57 & col.13, lines 21-46) at least one set of data in a logical

services document *(e.g., a XML schema at the service message gate within a*

device, which provides services to the clients; col.7, lines 24-67) that includes

data therein according to the associated identity information *(e.g., the client is*

only able to request a service that is permitted and the clients identity is verified

by the authentication service; col.18, lines 29-56), each set of data in the logical

services document structured to correspond to a field in the content document

(col.33, lines 15-45 and col.35, lines 19-41).

As to dependent claim 2:

Saulpaugh teaches manipulating at least one set of data comprises reading data from at

least one field in the logical services document *(e.g., A client of a space may itself be a*

service provider ...modify an existing advertisement; col.34, lines 54-56 and A space

service may also provide facilities to read advertisements, write 'publish' advertisements,

and take 'remove' advertisements; col.36, lines 11-20).

As to dependent claim 3:

Saulpaugh teaches manipulating at least one set of data comprises writing data to at least

one field in the logical services document *(e.g., A client of a space may itself be a service*

provider ...modify an existing advertisement; col.34, lines 54-56 and A space service may

also provide facilities to read advertisements, write 'publish' advertisements, and take

'remove' advertisements; col.36, lines 11-20).

As to dependent claim 4:

Saulpaugh teaches the service schema corresponds to a first service to allow an

application to find a second service *(e.g., clients and services may find each ... using a*

transient storage space; col.16, lines 19-25).

As to dependent claim 5:

Saulpaugh teaches the service schema corresponds to an application settings service

(items 300-310; Fig.2).

As to dependent claim 6:

Saulpaugh teaches the service schema corresponds to a calendar service *(col.16, lines 3-*

18).

As to dependent claim 7:

Saulpaugh teaches the service schema corresponds to a categories service *(e.g., a*

mechanism to send and receive XML messages between clients and services ... XML

messages may be 'typed'; col.17, lines 57-59).

As to dependent claim 8:

Saulpaugh teaches the service schema corresponds to a contacts service *(e.g., XML*

messaging mechanism; col.34, lines 34-42).

As to dependent claim 9:

Saulpaugh teaches the service schema corresponds to a devices service *(e.g.,*

Device/Service; Fig.6).

As to dependent claim 10:

Saulpaugh teaches the service schema corresponds to a documents service *(e.g., XML schema advertised for the service; col.17, lines 27-45).*

As to dependent claim 11:

Saulpaugh teaches the service schema corresponds to a favorites service *(e.g., The distributed computing environment may provide a mechanism for matching a component ...a client 'which may be a service' may desired a service that meets a set of interface requirements; col.34, lines 9-13).*

As to dependent claim 12:

Saulpaugh teaches the service schema corresponds to an inbox service *(e.g., clients may find the advertisement to access service using the XML messaging mechanism; col.34, lines 39-42).*

As to dependent claim 13:

Saulpaugh teaches the service schema corresponds to a lists service *(e.g., a service or content listed by the space; col.34, lines 48-60).*

As to dependent claim 14:

Saulpaugh teaches the service schema corresponds to a location service *(e.g., locating services; col.7, lines 11-20).*

As to dependent claim 15:

Saulpaugh teaches the service schema corresponds to an alerts service *(e.g., event notification messages; col.18, lines 51-56).*

As to dependent claim 16:

Saulpaugh teaches the service schema corresponds to a profile service *(see "Client*

Profile" in Fig.5).

As to dependent claim 17:

Saulpaugh teaches the service schema corresponds to a presence service *(e.g., Many*

spaces may exist, each contain XML advertisements that describe services or content ...a

space may be a repository of XML advertisements of services and/or XML data, which

may be raw data or advertisements for data, such as results; col.34, lines 42-47).

As to dependent claim 18:

Saulpaugh teaches the service schema corresponds to a wallet service *(e.g., the user may*

insert the smart card into the client device to begin the session; col.75, lines 43-50).

Response to Arguments

8. Applicant's arguments filed 04/25/2005 have been fully considered but they are not

persuasive.

a. Applicant argues that *Salpaugh may teach one or more services that deal with*

and maintain data about specific items, such as specific kinds of messages (e.g.,

email, instant messaging, etc), but Salpaugh certainly cannot be construed to

teach a service having a schema for services that maintains data about other

services in one or more services-related fields. (Remarks, page 12, 1st full para.)

In response, Applicant is arguing the disclosure of the application, not the claim

invention. Claimed subject matter, not the specification is the measure of the

invention. Limitations in the specification cannot be read into the claims for the

purpose of avoiding the prior art. See In re Self, 213 USPQ 1,5 (CCPA 1982); In

re Priest, 199 USPQ 11, 15 (CCPA 1978). The Examiner has a *duty* and

responsibility to the public and to Applicant to interpret the claims *as broadly as*

reasonably possible during prosecution (see *In re Prater, 56 CCPA 1381, 415*

F.2d 1393, 162 USPQ 541 (1969).

b. Applicant argues *that Nowhere in Salpaugh is there disclosed a logical services*

document. (Remarks, page 12, last para.)

In response, Salpaugh's teachings *"A client of a space may itself be a service*

provider ...modify an existing advertisement" (col.34, lines 54-56) and *"A space*

service may also provide facilities to read advertisements, write 'publish'

advertisements, and take 'remove' advertisements" (col.36, lines 11-20) meet the

limitations as claimed by Applicant.

c. . Applicant argues that *nowhere in Salpaugh is it taught that each set of data in the*

logical services document is structured to correspond to a field in the content

document. (Remarks, page 13, 1st full para.)

In response, the rejection above shows how Salpaugh meet the claim limitations.

d. As to dependent **claims 2-18 and 20**, the arguments are not persuasive for reason

as discussed above with regards to independent claims 1 and 19.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Srivastava et al.   U.S. Publication 2002/0120685 A1   Pub. Date: Aug. 29, 2002

10.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the mailing date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-

4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30

pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather Herndon can be reached on (571) 272-4136.

The fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

MN

WILLIAM BASHORE
PRIMARY EXAMINER
7/10/2005